

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 133
100TH GENERAL ASSEMBLY

0529H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 89.020, 195.740, 195.743, 195.746, 195.749, 195.752, 195.755, 195.756, 195.758, 195.764, 195.767, 195.770, 264.061, 266.031, 266.165, 266.190, 280.005, 280.010, 280.020, 280.030, 280.035, 280.037, 280.038, 280.040, 280.050, 280.060, 280.070, 280.080, 280.090, 280.095, 280.100, 280.110, 280.120, 280.130, 280.140, 281.035, 281.037, 281.038, 281.050, and 281.260, RSMo, and to enact in lieu thereof twenty-five new sections relating to agriculture, with penalty provisions and an emergency clause for a certain section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 89.020, 195.740, 195.743, 195.746, 195.749, 195.752, 195.755, 2 195.756, 195.758, 195.764, 195.767, 195.770, 264.061, 266.031, 266.165, 266.190, 280.005, 3 280.010, 280.020, 280.030, 280.035, 280.037, 280.038, 280.040, 280.050, 280.060, 280.070, 4 280.080, 280.090, 280.095, 280.100, 280.110, 280.120, 280.130, 280.140, 281.035, 281.037, 5 281.038, 281.050, and 281.260, RSMo, are repealed and twenty-five new sections enacted in lieu 6 thereof, to be known as sections 64.002, 65.702, 89.020, 195.740, 195.743, 195.746, 195.749, 7 195.752, 195.756, 195.758, 195.764, 195.767, 196.352, 261.099, 261.140, 264.061, 266.031, 8 266.165, 266.190, 281.035, 281.037, 281.038, 281.050, 281.260, and 281.265, to read as 9 follows:

64.002. For purposes of a zoning law, ordinance, or code authorized and enacted 2 under this chapter, a zoning or property classification of agricultural or horticultural shall 3 include any sawmill or planing mill as defined in the U.S. Department of Labor’s Standard 4 Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 5 2421.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

2 **65.702. For purposes of a zoning law, ordinance, or code authorized and enacted**
3 **under sections 65.650 to 65.700, a zoning or property classification of agricultural or**
4 **horticultural shall include any sawmill or planing mill as defined in the U.S. Department**
5 **of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242**
6 **with the SIC number 2421.**

2 89.020. 1. For the purpose of promoting health, safety, morals or the general welfare of
3 the community, the legislative body of all cities, towns, and villages is hereby empowered to
4 regulate and restrict the height, number of stories, and size of buildings and other structures, the
5 percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the
6 density of population, the preservation of features of historical significance, and the location and
7 use of buildings, structures and land for trade, industry, residence or other purposes.

2 2. For the purpose of any zoning law, ordinance or code, the classification single family
3 dwelling or single family residence shall include any home in which eight or fewer unrelated
4 mentally or physically handicapped persons reside, and may include two additional persons
5 acting as houseparents or guardians who need not be related to each other or to any of the
6 mentally or physically handicapped persons residing in the home. In the case of any such
7 residential home for mentally or physically handicapped persons, the local zoning authority may
8 require that the exterior appearance of the home and property be in reasonable conformance with
9 the general neighborhood standards. Further, the local zoning authority may establish reasonable
10 standards regarding the density of such individual homes in any specific single family dwelling
11 neighborhood.

2 3. No person or entity shall contract or enter into a contract which would restrict group
3 homes or their location as described in this section from and after September 28, 1985.

2 4. Any county, city, town or village which has a population of at least five hundred and
3 whose boundaries are partially contiguous with a portion of a lake with a shoreline of at least one
4 hundred fifty miles shall have the authority to enforce its zoning laws, ordinances or codes for
5 one hundred yards beyond the shoreline which is adjacent to its boundaries. In the event that a
6 lake is not large enough to allow any county, city, town or village to enforce its zoning laws,
7 ordinances or codes for one hundred yards beyond the shoreline without encroaching on the
8 enforcement powers granted another county, city, town or village under this subsection, the
9 counties, cities, towns and villages whose boundaries are partially contiguous to such lake shall
10 enforce their zoning laws, ordinances or orders under this subsection pursuant to an agreement
11 entered into by such counties, cities, towns ~~and~~ , or villages.

2 5. Should a single family dwelling or single family residence as ~~defined~~ **described** in
3 subsection 2 of this section cease to operate for the purpose as set forth in subsection 2 of this

31 section, any other use of such home, other than allowed by local zoning restrictions, must be
32 approved by the local zoning authority.

33 6. For purposes of any zoning law, ordinance or code the classification of single family
34 dwelling or single family residence shall include any private residence licensed by the children's
35 division or department of mental health to provide foster care to one or more but less than seven
36 children who are unrelated to either foster parent by blood, marriage or adoption. Nothing in this
37 subsection shall be construed to relieve the children's division, the department of mental health
38 or any other person, firm or corporation occupying or utilizing any single family dwelling or
39 single family residence for the purposes specified in this subsection from compliance with any
40 ordinance or regulation relating to occupancy permits except as to number and relationship of
41 occupants or from compliance with any building or safety code applicable to actual use of such
42 single family dwelling or single family residence.

43 7. Any city, town, or village that is granted zoning powers under this section and is
44 located within a county that has adopted zoning regulations under chapter 64 may enact an
45 ordinance to adopt by reference the zoning regulations of such county in lieu of adopting its own
46 zoning regulations.

47 **8. For purposes of any zoning law, ordinance, or code authorized and enacted**
48 **under this section, a zoning or property classification of agricultural or horticultural shall**
49 **include any sawmill or planing mill as defined in the U.S. Department of Labor's Standard**
50 **Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number**
51 **2421.**

195.740. For the purposes of sections 195.740 to 195.773, the following terms shall
2 mean:

3 (1) **"Agricultural hemp propagule", any viable nonseed plant material used to**
4 **cultivate industrial hemp including, but not limited to, transplants, cuttings, and clones;**

5 (2) "Agricultural hemp seed", Cannabis sativa L. seed that meets any labeling, quality,
6 or other standards set by the department of agriculture and that is intended for sale, is sold to, or
7 is purchased by registered [~~growers~~] **producers** for planting;

8 [~~(2)~~] (3) "Crop", industrial hemp grown under a single registration;

9 [~~(3)~~] (4) "Department", the Missouri department of agriculture;

10 [~~(4)~~] "~~Grain", Cannabis sativa L. seed used to make an industrial hemp commodity or~~
11 ~~product;~~

12 (5) [~~"Grower", a person, joint venture, or cooperative who is a Missouri resident or an~~
13 ~~entity that is domiciled in this state that produces industrial hemp;~~

14 ~~——(6) "Handler", a person, joint venture, or cooperative who is a Missouri resident or an~~
 15 ~~entity that is domiciled in this state that receives industrial hemp for processing into~~
 16 ~~commodities, products, feed, or agricultural hemp seed;~~

17 ~~——(7)] "Indoor cultivation facility", any greenhouse or enclosed building or structure~~
 18 **capable of continuous cultivation throughout the year that is not a residential building;**

19 (6) "Industrial hemp plant monitoring system", a reporting system that includes, but is
 20 not limited to, testing, transfer reports, and data collection maintained by a [~~grower or handler~~]
 21 **producer or agricultural hemp propagule and seed permit holder** and available to the
 22 department for purposes of monitoring **viable** [~~agricultural hemp seed and~~] industrial hemp
 23 cultivated as an agricultural product from planting to final [~~packaging~~] **sale or transfer as a**
 24 **publicly marketable hemp product;**

25 (7) "Nonviable", **plant material or agricultural hemp seed that is not capable of**
 26 **living or growing;**

27 (8) "Produce", **the cultivation and harvest of viable industrial hemp;**

28 (9) "Producer", **a person who is a Missouri resident, or an entity that is domiciled**
 29 **in this state, who grows or produces viable industrial hemp;**

30 (10) "Publicly marketable product", **any nonviable hemp material, including seed,**
 31 **stem, root, leaf, or floral material, that contains no material with a delta-9**
 32 **tetrahydrocannabinol concentration exceeding three-tenths of one percent on a dry weight**
 33 **basis.**

195.743. [~~1. There is hereby created an "Industrial Hemp Agricultural Pilot Program",~~
 2 ~~in accordance with federal law, to be implemented by the department to study the growth,~~
 3 ~~cultivation, processing, feeding, and marketing of industrial hemp.~~

4 ~~——2.] **Viable** industrial hemp shall be an agricultural product that is subject to regulation~~
 5 ~~by the department, including compliance with an industrial hemp plant monitoring system.~~

195.746. 1. Any [~~grower or handler~~] **producer** of industrial hemp shall obtain a
 2 registration from the department. [~~Growers and handlers engaged in the production of~~
 3 ~~agricultural hemp seed shall obtain an agricultural hemp seed production permit. An agricultural~~
 4 ~~hemp seed production permit shall authorize a grower or handler to produce and handle~~
 5 ~~agricultural hemp seed for sale to registered industrial hemp growers and handlers. The~~
 6 ~~department shall make information that identifies sellers of agricultural hemp seed available to~~
 7 ~~growers, and any seller] **Any producer** of agricultural hemp [seed] shall ensure that [~~the~~] **all**
 8 **agricultural hemp propagules and agricultural hemp seed** [~~complies~~] **comply** with any
 9 standards established by the department.~~

10 2. **Any person who sells, distributes, or offers for sale any agricultural hemp**
 11 **propagule or agricultural hemp seed in the state shall obtain an agricultural hemp**

12 **propagule and seed permit from the department. An agricultural hemp propagule and**
13 **seed permit shall authorize a permit holder to sell, distribute, or offer for sale agricultural**
14 **hemp propagules or agricultural hemp seed to registered producers or other permit**
15 **holders. A permit holder is exempt from requirements in Chapter 266 if he or she only**
16 **sells, distributes, or offers for sale agricultural hemp propagules or agricultural hemp seed.**

17 **3.** An application for an industrial hemp registration or agricultural hemp **propagule and**
18 seed ~~[production]~~ permit shall include:

19 (1) The name and address of the applicant;

20 (2) The name and address of the industrial hemp or agricultural hemp **propagule or seed**
21 operation;

22 (3) **For any industrial hemp registration,** the global positioning system coordinates
23 and legal description for the property used for the industrial hemp ~~[or agricultural hemp seed]~~
24 operation;

25 (4) The application fee, as determined by the department, in an amount sufficient to
26 cover the administration, regulation, and enforcement costs associated with sections 195.740 to
27 195.773; and

28 (5) Any other information the department deems necessary.

29 ~~[3-]~~ **4.** The department shall issue a registration ~~[or permit]~~ under this section to an
30 applicant who meets the requirements of this section and section 195.749~~[-]~~ **and** who
31 satisfactorily completes a state and federal fingerprint criminal history background check under
32 section 43.543~~[-]~~ ~~who signs an acknowledgment that industrial hemp is an experimental crop, and~~
33 ~~who signs a waiver that holds the department harmless in the event a lawsuit occurs or if the~~
34 ~~growth, cultivation, processing, feeding, or marketing of industrial hemp or seed is later declared~~
35 ~~illegal under federal law].~~ The department may charge an applicant an additional fee for the cost
36 of the fingerprint criminal history background check in addition to the registration ~~[or permit]~~
37 fee. **If required by federal law, the department shall require an applicant for an**
38 **agricultural hemp propagule and seed permit to comply with the fingerprint criminal**
39 **history background check requirements of this subsection.**

40 ~~[4-]~~ **5.** Upon issuance of a registration or permit, information regarding all ~~[registration]~~
41 **producers** and permit holders shall be forwarded to the Missouri state highway patrol.

42 ~~[5-]~~ **6.** An industrial hemp registration or agricultural hemp **propagule and** seed
43 ~~[production]~~ permit is:

44 (1) Nontransferable, except such registration or permit may be transferred to a ~~[spouse~~
45 ~~or child]~~ **person** who otherwise meets the requirements of a registrant or ~~[permittee]~~ **permit**
46 **holder,** and the ~~[spouse or child]~~ **person** may operate under the existing registration or permit

47 until the registration or permit expires, at which time the renewal shall reflect the change of the
48 registrant or ~~[permittee]~~ **permit holder**;

49 (2) Valid for a three-year term unless revoked by the department; and

50 (3) Renewable as determined by the department, **if the registrant or permit holder is**
51 **found to be in good standing.**

52 **7. Each individual parcel of ground or indoor cultivation facility with a separate**
53 **legal description shall be required to obtain a separate registration unless the parcels are**
54 **contiguous and owned by the same person of record.**

195.749. 1. The department may revoke, refuse to issue, or refuse to renew an industrial
2 hemp registration or agricultural hemp **propagule and seed** ~~[production]~~ permit and may impose
3 a civil penalty of not less than ~~[two thousand]~~ five hundred dollars or more than fifty thousand
4 dollars for violation of:

5 (1) A registration or permit requirement, term, or condition;

6 (2) Department rules relating to ~~[growing or handling]~~ **the production of** industrial
7 hemp **or an agricultural hemp propagule and seed permit**;

8 (3) Any industrial hemp plant monitoring system requirement; or

9 (4) A final order of the department that is specifically directed to the ~~[grower's or~~
10 ~~handler's]~~ **producer or permit holder's** industrial hemp operations or activities.

11 2. A registration or permit shall not be issued to a person who in the ~~[five]~~ **ten** years
12 immediately preceding the application date has been found guilty of, or pled guilty to, a felony
13 offense under any state or federal law regarding the possession, distribution, manufacturing,
14 cultivation, or use of a controlled substance.

15 3. The department may revoke, refuse to issue, or refuse to renew an industrial hemp
16 registration or agricultural hemp **propagule and seed** ~~[production]~~ permit for failing to comply
17 with any provision of this chapter, or for a violation of any department rule relating to
18 agricultural operations or activities other than industrial hemp ~~[growing or handling]~~
19 **production.**

20 ~~[4. The department shall refuse to issue an industrial hemp registration or agricultural~~
21 ~~hemp seed permit to any applicant if approving such registration or permit would authorize the~~
22 ~~growth or cultivation of industrial hemp or agricultural hemp seed on a plot of land that is less~~
23 ~~than ten acres or more than forty acres by any single registrant or permittee, or over two thousand~~
24 ~~acres of land statewide among all registrants or permittees, notwithstanding the twenty-acre~~
25 ~~limitation for institutions of higher education set forth in section 195.767.]~~

195.752. 1. Any person ~~[growing]~~ **producing** industrial hemp who does not have a valid
2 industrial hemp registration issued under section 195.746 ~~[shall]~~ **may** be subject to an
3 administrative fine of five hundred dollars and ~~[shall obtain a valid registration to grow industrial~~

4 hemp within thirty days. If, during the thirty-day period, such person applies for and receives
5 an industrial hemp registration, the amount of the fine imposed under this section shall be
6 refunded in full. If, during the thirty-day period described in this section, such person fails to
7 obtain an industrial hemp registration, the person shall] **may** be fined one thousand dollars per
8 day until such person [obtains a registration. After thirty days of failing to obtain an industrial
9 hemp registration and an accumulation of administrative fines exceeding thirty days, such person
10 shall destroy] **destroys** the industrial hemp crop. The Missouri state highway patrol shall certify
11 such destruction to the department.

12 **2. Any person selling, distributing, or offering for sale any agricultural hemp**
13 **propagule or agricultural hemp seed in the state who does not have a valid agricultural**
14 **hemp propagule and seed permit issued under section 195.746 may be subject to an**
15 **administrative fine of five hundred dollars and may be fined one thousand dollars per day**
16 **until such person obtains a valid permit.**

195.756. Notwithstanding sections 281.050 and 281.101 to the contrary, in the [growing
2 and handling] **production** of industrial hemp consistent with sections 195.740 to 195.773, no
3 retailer of pesticides as defined in 7 U.S.C. Section 136, or agricultural chemicals shall be liable
4 for the sale, application, or handling of such products by a producer or applicator in any manner
5 or for any purpose not approved by applicable state and federal agencies. No producer or
6 applicator may use or apply pesticides or agricultural chemicals in the growing or handling of
7 industrial hemp except as approved by state and federal law.

195.758. 1. Every [grower or handler] **producer or permit holder** shall be subject to
2 an industrial hemp plant monitoring system and shall keep industrial hemp crop and agricultural
3 hemp **propagule and** seed records as required by the department. [Upon three days' notice,] The
4 department may require an inspection or audit during any normal business hours for the purpose
5 of ensuring compliance with:

- 6 (1) Any provision of sections 195.740 to 195.773;
- 7 (2) Department rules and regulations;
- 8 (3) Industrial hemp registration or agricultural hemp **propagule and** seed [production]
9 permit requirements, terms, or conditions;
- 10 (4) Any industrial hemp plant monitoring system requirement; or
- 11 (5) A final department order directed to the [grower's or handler's] **producer or permit**
12 **holder's** industrial hemp or agricultural hemp **propagule and** seed operations or activities.

13 **2.** In addition to any inspection conducted under subsection 1 of this section, the
14 department may inspect any industrial hemp crop during the crop's growth phase and take a
15 representative sample for field analysis. If a crop contains an average delta-9
16 tetrahydrocannabinol concentration exceeding three-tenths of one percent or the maximum

17 concentration allowed under federal law, whichever is greater, on a dry weight basis, the
18 department may **retest the crop. If the second test indicates that a crop contains an average**
19 **delta-9 tetrahydrocannabinol concentration exceeding three-tenths of one percent or the**
20 **maximum concentration allowed under federal law, whichever is greater, on a dry weight**
21 **basis, the department may** order any [~~grower or handler~~] **producer** to destroy the crop.

22 3. If such crop is not destroyed within fifteen days of the [~~grower or handler~~] **producer**
23 being notified by the department by certified mail that the crop contains concentrations
24 exceeding those set forth in subsection 2 of this section, and directing the [~~grower or handler~~]
25 **producer** to destroy the crop, such [~~grower or handler~~] **producer** shall be subject to a fine of
26 five thousand dollars per day until such crop is destroyed. [~~Such fine shall be in addition to any~~
27 ~~criminal liability the grower or handler may incur, except that~~] No such penalty or fine shall be
28 imposed prior to the expiration of the fifteen-day notification period.

29 4. The Missouri state highway patrol may, **at its own expense**, perform aerial
30 surveillance to ensure illegal industrial hemp [~~or marijuana~~] plants are not being cultivated on
31 or near legal, registered industrial hemp plantings.

32 5. The Missouri state highway patrol may coordinate with local law enforcement
33 agencies to certify the destruction of illegal industrial hemp [~~and marijuana~~] plants.

34 6. The department shall notify the Missouri state highway patrol and local law
35 enforcement agencies of the need to certify that a crop of industrial hemp deemed illegal through
36 field analysis has been destroyed.

37 7. **Unless required by federal law, the department shall not regulate the sale or**
38 **transfer of nonviable hemp including, but not limited to, stripped stalks, fiber, dried roots,**
39 **nonviable leaf material, nonviable floral material, nonviable seeds, seed oils, floral and**
40 **plant extracts, unadulterated forage, and other marketable agricultural hemp products to**
41 **members of the general public both within and outside the state.**

195.764. 1. The department may charge [~~growers and handlers~~] **producers and permit**
2 **holders** reasonable fees as determined by the department for the purposes of administering
3 sections 195.740 to 195.773. Fees charged for purposes of administering sections 195.740 to
4 195.773 shall only be used to administer such sections, and shall not provide additional revenue
5 for the department to use to administer any other program or provide staff to the department for
6 any other program. All fees collected under sections 195.740 to 195.773 shall be deposited in
7 the industrial hemp fund created under this section for use by the department to administer
8 sections 195.740 to 195.773.

9 2. There is hereby created in the state treasury the "Industrial Hemp Fund", which shall
10 consist of **any grants, gifts, donations, bequests, or** money collected under sections 195.740
11 to 195.773. The state treasurer shall be custodian of the fund. In accordance with sections

12 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated
13 fund and money in the fund shall be used solely by the department of agriculture for the purpose
14 of administering such sections, including reimbursing the Missouri state highway patrol for the
15 enforcement of such sections. Notwithstanding the provisions of section 33.080 to the contrary,
16 any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the
17 general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as
18 other funds are invested. Any interest and moneys earned on such investments shall be credited
19 to the fund.

195.767. ~~[1.]~~ An institution of higher education **based in Missouri** may ~~[in~~
2 ~~collaboration with the department,]~~ engage in the **research and** study of the growth, cultivation,
3 or marketing of industrial hemp ~~[and agricultural hemp seed]~~ **as authorized by Section 7606**
4 **of the federal Agricultural Act of 2014, Pub. L. 113-79, or any successor law.** Institutions
5 for higher education **based in Missouri and research centers directed or operated by such**
6 **institutions shall not be required to** obtain a registration for the ~~[growth]~~ **production** of
7 industrial hemp~~], or a permit for the growth and handling of agricultural hemp seed,]~~ from the
8 department as set forth in sections 195.746 and 195.749.

~~[2. The department shall refuse to issue an industrial hemp registration or agricultural~~
10 ~~hemp seed permit to any institution of higher education if approving such registration or permit~~
11 ~~would authorize the growth or cultivation of industrial hemp or agricultural hemp seed by~~
12 ~~institutions of higher education on over twenty acres of land statewide, notwithstanding the two~~
13 ~~thousand-acre limitation set forth in section 195.749. Notwithstanding subsection 4 of section~~
14 ~~195.749 to the contrary, the department may issue a registration or permit to an institution of~~
15 ~~higher education for the growth or cultivation of industrial hemp or agricultural hemp seed on~~
16 ~~a plot of land that is less than ten acres.]~~

196.352. In addition to the penalties and remedies provided in sections 196.311 to
2 **196.361, if the director determines, after inquiry and opportunity for a hearing, that any**
3 **individual is in violation of any provision of sections 196.311 to 196.361 or any regulation**
4 **promulgated thereunder, the director shall have the authority to assess a civil penalty of**
5 **not more than five hundred dollars for each violation and not more than five hundred**
6 **dollars for each day such violation continues. Any individual aggrieved by any act of the**
7 **director under this section may appeal according to the provisions of chapter 621.**

261.099. 1. The Missouri department of agriculture or its representative, the
2 **Missouri department of natural resources, the county sheriff for the county in which the**
3 **facility is located, the United States Department of Agriculture, and any other federal or**
4 **Missouri state agency with statutory or regulatory authority over the products, animals,**

5 or processes described in subdivisions (1) to (4) of this subsection have the exclusive
6 authority to inspect grounds or facilities that are located in Missouri and that are used for:

- 7 (1) The production of eggs;
8 (2) The production of milk or other dairy products;
9 (3) The raising of livestock or poultry; or
10 (4) The production or raising of dogs or other animals that are not used to produce
11 any food product.

12 2. Unless specifically requested by the owner of the grounds or facilities, an
13 individual, a corporation or other association, a governmental agency, or any other entity
14 shall not inspect the grounds or facilities described under subsection 1 of this section to
15 enforce or carry out the laws or administrative rules of a state other than Missouri.

261.140. 1. The department of agriculture shall convene a work group every five
2 years to review all fees charged by the department. The review shall include both fees set
3 by statute and fees set by regulation.

4 2. After each review required under this section, the department of agriculture
5 shall prepare and submit a report to the general assembly on any recommended changes
6 to the fees that would ensure adequate funding for the department.

264.061. 1. It is unlawful to move, carry, transport or ship bees, combs or used
2 beekeeping equipment into the state of Missouri unless accompanied by a valid permit issued
3 by the director of the department of agriculture. Applications for permit to transport bees or used
4 beekeeping equipment into the state shall be submitted on a form approved by the director. This
5 application form must be accompanied by a certificate of health, issued by the authorized official
6 of the state from which the bees are to be moved, certifying that the bees and used beekeeping
7 equipment have been inspected by an approved inspector, during a period of active brood
8 rearing, within ninety days prior to the proposed date of movement, and that such bees and used
9 beekeeping equipment were found apparently free from any diseases or pests. Each application
10 shall disclose the number of colonies of bees to be transported and a description of the location
11 or locations where said bees are to be kept. Upon receipt of an application for a permit to move
12 bees or used beekeeping equipment into the state, accompanied by a proper certificate of health
13 and an application fee of ~~five~~ ten dollars per application, the director shall issue the desired
14 permit. This shall not apply to honey bees from quarantined areas outside the state of Missouri.
15 These quarantines shall include all federal, state or Missouri exterior quarantines. Importation
16 of honey bees from quarantined areas shall be in accordance with the rules made pursuant to this
17 chapter.

18 2. Regardless of the above provisions of this section, the director shall have the authority
19 to issue a permit without inspection to the person or persons owning such bees and equipment

20 if he **or she** is satisfied that such bees and equipment were certified and moved from the state
 21 of Missouri within ninety days prior to the desired date of reentry and have not been exposed to
 22 diseased or pest infected bees or equipment.

23 3. A verbal authorization may be allowed by the Missouri director if the written permit
 24 outlined above has been requested but has not been received by the time that the bees are to be
 25 moved.

26 4. Combless packages of bees or queens, or both, are admitted into Missouri, without
 27 a Missouri permit, when accompanied by a valid certificate of inspection from the state of origin
 28 stating they are free of diseases and pests. This shall not apply to honey bees from quarantined
 29 areas outside the state of Missouri. These quarantines shall include all federal, state or Missouri
 30 exterior quarantines. Importation of honey bees from quarantined areas shall be in accordance
 31 with the rules made pursuant to this chapter.

266.031. 1. Any person who sells, distributes, offers or exposes for sale any agricultural
 2 or vegetable seed in the state of Missouri shall obtain a seed permit from the director of
 3 agriculture unless exempted as in section 266.080. Seed dealers must purchase permits for each
 4 seed sales classification performed, selling or taking orders for seed from other than an
 5 established place of business, selling seed from a retail place of business, selling seed from a
 6 wholesale place of business, or negotiating sales as a broker. A separate permit shall be required
 7 for each place of business from which seed regulated by this law is sold. A separate permit shall
 8 also be required of each person selling or taking orders for seed from other than an established
 9 place of business. Seed permit fees will be assessed as follows:

10 (1) Place of business selling vegetable seed packets of one pound or less or lawn seed
 11 packages to the end user [~~\$5.00~~] **\$20.00**

12 (2) Person that sells only labeled seed grown on their own property [~~\$5.00~~] **\$20.00**

13 (3) Retail place of business or person not otherwise identified that sells or offers for sale
 14 agricultural seed or offers for sale agricultural seed or bulk vegetable seed to the end user and
 15 which does not provide storage facilities [~~\$5.00~~] **\$20.00**

16 (4) Retail place of business or person not otherwise identified that sells or offers for sale
 17 agricultural seed or offers for sale agricultural seed or bulk vegetable seed to the end user and
 18 which provides storage facilities. A permit to sell agricultural or bulk vegetable seed will suffice
 19 for selling seed as listed in (1) and (2) [~~\$15.00~~] **\$60.00**

20 (5) Wholesale place of business selling labeled seed for resale, or negotiating sales as
 21 a seed broker [~~\$100.00~~] **\$400.00**

22 2. Farmers and seed producers shall be classed as seedsmen and must comply with all
 23 the provisions of sections 266.011 to 266.111 when the farmers or seed producers:

24 (1) Offer, sell or expose for sale seed not of their own production;

25 (2) Sell and deliver seed to a purchaser by way of common carrier;

26 (3) Sell seed by any public sales service;

27 (4) Advertise or label seed referring to the purity or germination.

28 3. No permit is transferable. All persons holding a Missouri seed permit shall post the
29 permit in a conspicuous place in the place of business to which it applies. The licensing year
30 shall be twelve months, or any fraction thereof, beginning on January first and ending December
31 thirty-first. All permit fees shall be paid to the Missouri department of agriculture and shall be
32 deposited in the state treasury **to the credit of the agriculture protection fund created in**
33 **section 261.200.**

34 4. If the application for renewal of any seed permit is not filed prior to expiration date
35 in any year, a penalty of fifty percent shall be assessed and added to the original fee and shall be
36 paid by the applicant before that renewal license shall be issued; provided, that such penalty shall
37 not apply if the applicant furnishes an affidavit certifying that he **or she** has not engaged in
38 selling, distributing, offering or exposing seed for sale, subsequent to the expiration date of his
39 **or her** license.

266.165. 1. Any person who manufactures a commercial feed within the state, or who
2 distributes a commercial feed in or into the state, or whose name appears on the label of a
3 commercial feed as guarantor, or any person who acts as an independent consultant shall obtain
4 a license for each facility authorizing such person to manufacture or distribute commercial feed
5 or act as an independent consultant in the formulation of feeds before such person engages in
6 such activity. Any person who makes only retail sales of commercial feed which bears labeling
7 or other approved indication that the commercial feed is from a licensed manufacturer, guarantor,
8 or distributor who has assumed full responsibility for the tonnage inspection fee due under
9 sections 266.152 to 266.220 is not required to obtain a license. Any person who acts as an
10 independent consultant shall also obtain such a license. Any person who is required to obtain
11 such a license shall submit an application on a form provided or approved by the state
12 department of agriculture accompanied by a license fee of [~~twenty-five~~] **thirty-five** dollars and
13 specified by rule promulgated pursuant to section 266.195. The license year shall be July first
14 through June thirtieth. Each license shall expire on the thirtieth day of June of the year for which
15 it is issued; provided that any license shall be valid through July thirty-first of the next ensuing
16 year or until the issuance of the renewal license, whichever event first occurs, if the holder of
17 such license has filed a renewal application with the state on or before June thirtieth of the year
18 for which the current license was issued. Any new applicant who fails to obtain a license within
19 fifteen working days of notification of the requirement to obtain a license, or any licensee who
20 fails to comply with license renewal requirements, shall pay a twenty-five dollar late fee in
21 addition to the license fee.

22 2. The license application shall be established by rules adopted by the state department
23 of agriculture.

24 3. The state, under conditions specified by rule, may request copies of labels and labeling
25 at any time from a license applicant or licensee in order to determine compliance with the
26 provisions of sections 266.152 to 266.220.

27 4. The state may refuse to issue a license to any person not in compliance with the
28 provisions of sections 266.152 to 266.220. The department may suspend or revoke any license
29 issued to any person found not to be in compliance with any provision of sections 266.152 to
30 266.220. The director of the department of agriculture may place conditions that limit
31 production or distribution of a particular commercial feed on the license of any person not found
32 to be in compliance with sections 266.152 to 266.220. No license shall be conditionalized,
33 suspended, refused or revoked unless the applicant or licensee shall first be given an opportunity
34 to be heard before the director or a hearing officer designated by the director in order to comply
35 with the requirements of sections 266.152 to 266.220.

36 5. The state, under conditions specified by rule, may require independent consultants
37 formulating consultant-formula feeds to furnish signed copies of their formulations and
38 specifications along with directions for use and appropriate warning statements to the
39 manufacturer and end user of the product. Consultant recommendations found to be inadequate
40 are subject to all the penalties as described in section 266.210.

266.190. 1. An inspection fee at the rate of ~~[ten]~~ **fourteen** cents per ton shall be paid on
2 commercial feeds distributed in this state by the person whose name appears on the label as the
3 manufacturer, guarantor or distributor, except that a person other than the first manufacturer,
4 guarantor or distributor may assume liability for the inspection fee, subject to the following:

5 (1) Assumption of liability for the payment of fees must be established by requesting to
6 be put on deferment list with the director;

7 (2) No fee shall be paid on a commercial feed if the payment has been made by a
8 previous distributor;

9 (3) No fee shall be paid on customer-formula feeds if the inspection fee is paid on the
10 commercial feeds which are used as ingredients therein;

11 (4) No fee shall be paid on commercial feeds which are used as ingredients for the
12 manufacture of commercial feeds. If the fee has already been paid, credit shall be given for such
13 payment;

14 (5) In the case of pet food which is distributed in the state only in packages of ten pounds
15 or less, ~~[an annual fee of twenty-five dollars and]~~ a listing of each product must be submitted
16 annually on forms provided by the director and accompanied by ~~[the]~~ **an annual** payment of
17 ~~[twenty-five]~~ **ninety** dollars per product **or, in the case of a person whose total amount of**

18 **gross annual sales does not exceed five thousand dollars, twenty-five dollars per product,**
19 which shall be paid in lieu of the inspection fee specified above. Payment is required by January
20 first of each year. Payments not received until after January thirty-first are subject to a late fee
21 of fifty percent of the payment due. The inspection fee required by subsection 1 of this section
22 shall apply to pet food distributed in packages exceeding ten pounds. The assessment of these
23 penalty fees shall not prevent the director from taking other actions as provided in this chapter.
24 **The department of agriculture may promulgate rules to allow for the review of records of**
25 **persons claiming gross annual sales not exceeding five thousand dollars in order to ensure**
26 **that they qualify for the reduced payment. Any rule or portion of a rule, as that term is**
27 **defined in section 536.010, that is created under the authority delegated in this section shall**
28 **become effective only if it complies with and is subject to all of the provisions of chapter**
29 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**
30 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**
31 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
32 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
33 **after August 28, 2019, shall be invalid and void;**

34 (6) The minimum inspection fee shall be five dollars per quarter;

35 (7) In the case of specialty pet food which is distributed in the state only in packages of
36 one pound or less, a listing of each product shall be submitted annually on forms provided by the
37 director and accompanied by payment of ~~[twenty-five]~~ **ninety** dollars per product ~~[up to a~~
38 ~~maximum annual fee of one thousand dollars per manufacturer]~~ in lieu of an inspection fee.
39 Payment is required by January first of each year. Payments not received until after January
40 thirty-first are subject to a late fee of fifty percent of the payment due. The inspection fee
41 required by subsection 1 of this section shall apply to specialty pet food distributed in packages
42 exceeding one pound. The assessment of these penalty fees shall not prevent the director from
43 taking other actions as provided in this chapter.

44 2. Each person who is liable for the payment of such fee shall:

45 (1) File, not later than the last day of January, April, July and October of each year, a
46 quarterly tonnage report, setting forth the number of net tons of commercial feeds distributed in
47 this state during the preceding calendar quarter; and upon filing such statement shall pay the
48 inspection fee at the rate stated in subsection 1 of this section. Inspection fees which are due and
49 owing and have not been remitted to the director within fifteen days following the due date shall
50 have a penalty fee of twenty percent of the amount due, or five dollars, whichever is greater,
51 added to the amount due when payment is finally made. The assessment of this penalty fee shall
52 not prevent the director from taking other actions as provided in this chapter;

53 (2) Keep such records as may be necessary or required by the director to indicate
54 accurately the tonnage of commercial feed distributed in this state. The director shall have the
55 right to examine such records to verify statements of tonnage. Failure to make an accurate
56 statement of tonnage or to pay the inspection fee or comply with the requirements of this
57 subdivision may constitute sufficient cause for the cancellation of the company's license.

58 3. Fees collected shall constitute a fund for the payment of the costs of inspection,
59 sampling, analysis, and other expenses necessary for the administration of sections 266.152 to
60 266.220 and shall be deposited in the state treasury [~~and credited to the general revenue fund~~]
61 **to the credit of the agriculture protection fund created in section 261.200.**

281.035. 1. No individual shall engage in the business of determining the need for the
2 use of, supervising the use of, or using any pesticide, in categories as specified by regulation, on
3 the lands of another at any time without a certified commercial applicator's license issued by the
4 director. A certified commercial applicator shall not determine the need for the use of, supervise
5 the use of or use any pesticide for any particular purpose unless he **or she** has demonstrated his
6 **or her** competence to use pesticides for that purpose by being certified by the director in the
7 proper certification category. The director shall require an annual fee of [~~fifty~~] **sixty-five** dollars
8 for each certified commercial applicator's license issued. No certified commercial applicator
9 shall knowingly authorize, direct, or instruct any individual to engage in determining the need
10 for the use of or using any pesticide on the land of another at any time unless such individual is
11 a pesticide technician or pesticide technician trainee in such categories as specified by regulation
12 or is working under the direct supervision of a certified commercial applicator so authorizing,
13 directing or instructing, in which case the certified commercial applicator shall be liable for any
14 use of a pesticide by an individual operating under his **or her** direct supervision. The certified
15 commercial applicator or the employer shall assure that the director is informed in writing within
16 ten working days of the employment of any person as a pesticide technician or pesticide
17 technician trainee.

18 2. Application for a certified commercial applicator's license shall be made in writing
19 to the director on a designated form obtained from the director's office. Each application shall
20 include such information as prescribed by the director by regulation.

21 3. The director shall not issue a certified commercial applicator's license until the
22 applicant is certified by passing an examination provided by the director to demonstrate to the
23 director his **or her** competence and knowledge of the proper use of pesticides under the
24 classifications he **or she** had applied for, and his **or her** knowledge of the standards prescribed
25 by regulations for the certification of commercial applicators.

26 4. The director may renew any certified commercial applicator's license under the
27 classification for which such applicant is licensed, subject to reexamination for additional

28 knowledge that may be required to use pesticides safely and properly either manually or with
29 equipment the applicant has been licensed to operate.

30 5. If the director finds the applicant qualified to use pesticides in the classification for
31 which application has been made, and if the applicant files evidence that the requirement for
32 bonds or insurance has been met as required under section 281.065, the director shall issue a
33 certified commercial applicator's license limited to the classifications for which he **or she** is
34 qualified, which shall expire one year from date of issuance unless it has been revoked or
35 suspended prior thereto by the director for cause; provided, such financial responsibility required
36 under section 281.065 does not expire at an earlier date, in which case said license shall expire
37 upon the expiration date of the financial responsibility. The director may limit the license of the
38 applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of
39 equipment if the applicant is only so qualified. If a license is not issued as applied for, the
40 director shall inform the applicant in writing of the reasons therefor.

41 6. The director shall require each certified commercial applicator or his **or her** employer
42 to maintain records with respect to applications of any pesticide. Such relevant information as
43 the director may deem necessary may be specified by regulation. Such records shall be kept for
44 a period of three years from the date of the application of the pesticide to which such records
45 refer, and the director shall, upon request in writing, be furnished with a copy of such records by
46 any certified commercial applicator or his **or her** employer.

47 7. A person or individual engaged in the business of using pesticides on the lands of
48 another, who is deprived of his **or her** sole certified commercial applicator by reason of death,
49 illness, incapacity or any absence which the director determines is unavoidable, is authorized to
50 continue business operations without the services of a certified commercial applicator for a
51 period of time deemed appropriate by the director, but not to exceed sixty days; except that, no
52 restricted use pesticide shall be used, or caused to be used, by such person or individual. Any
53 such person or individual shall immediately notify the director as to the absence of his **or her**
54 sole certified commercial applicator.

55 8. Every certified commercial applicator shall display his **or her** license in a prominent
56 place at the site, location or office from which he **or she** will operate as a certified commercial
57 applicator; that place, location or office being at the address printed on the license.

58 9. Every certified commercial applicator who changes the address from which he **or she**
59 will operate as a certified commercial applicator shall immediately notify the director. The
60 director shall immediately issue a revised license upon which shall be printed the changed
61 address. The director shall not collect a fee for the issuance of a revised license. The expiration
62 date of the revised license shall be the same as the expiration date for the original license.

281.037. 1. Any individual who is not certified pursuant to section 281.035, 281.040
2 or 281.045, or has not been issued a private applicator permit pursuant to subsection 5 of section
3 281.040 shall not use, or supervise the use of, any restricted use pesticide without a certified
4 noncommercial applicator license. A certified noncommercial applicator shall not use, or
5 supervise the use of, any restricted use pesticide for any purpose unless he **or she** has
6 demonstrated his **or her** competence to use pesticides for that purpose by being certified by the
7 director in the proper certification category.

8 2. Application for a certified noncommercial applicator license shall be made in writing
9 to the director on a designated form obtained from the director's office. Each application shall
10 include such information as prescribed by the director by regulation.

11 3. The director shall not issue a certified noncommercial applicator license until the
12 applicant is certified by passing an examination provided by the director to demonstrate to the
13 director his **or her** competence and knowledge of the proper use of pesticides under the
14 classifications for which he **or she** has applied, and his **or her** knowledge of the standards
15 prescribed by regulations for the certification of noncommercial applicators.

16 4. If the director finds the applicant qualified to use restricted use pesticides in the
17 classification for which he **or she** has applied, the director shall issue a certified noncommercial
18 applicator license limited to the applicator categories in which he **or she** is certified. The license
19 shall expire one year from the date of issuance unless it has been revoked or suspended prior
20 thereto by the director for cause. The director may limit the license of the applicant to the use
21 of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the
22 applicant is only so qualified. If a license is not issued as applied for, the director shall inform
23 the applicant in writing of the reasons therefor.

24 5. The director may renew any certified noncommercial applicator license under the
25 classification for which the license is issued subject to reexamination for additional knowledge
26 which may be required to apply pesticides safely and properly.

27 6. The director shall collect a fee of ~~[twenty-five]~~ **thirty-five** dollars for each certified
28 noncommercial applicator license issued.

29 7. Any certified noncommercial applicator may use, or supervise the use of, restricted
30 use pesticides only to or on lands or structures owned, leased or rented by himself **or herself** or
31 his **or her** employer.

32 8. The director shall require the certified noncommercial applicator or his **or her**
33 employer to maintain records with respect to applications of restricted use pesticides. Any
34 relevant information which the director may deem necessary may be required by regulation.
35 Such records shall be kept for a period of three years from the date of the application of the

36 pesticide to which such records refer, and the director shall, upon request in writing, be furnished
37 with a copy of such records by any certified noncommercial applicator or his **or her** employer.

38 9. Every certified noncommercial applicator shall display his **or her** license in a
39 prominent place at the site, location or office from which he **or she** will operate as a certified
40 noncommercial applicator; that place, location or office being at the address printed on the
41 license.

42 10. Every certified noncommercial applicator who changes the address from which he
43 **or she** will operate as a certified noncommercial applicator shall immediately notify the director.
44 The director shall immediately issue a revised license upon which shall be printed the changed
45 address. The director shall not collect a fee for the issuance of a revised license. The expiration
46 date of the revised license shall be the same as the expiration date for the original license.

281.038. 1. After July 1, 1990, no individual working under the direct supervision of
2 a certified commercial applicator shall determine the need for the use of any pesticide nor use
3 any pesticide in categories as specified by regulation, unless and until the individual has met the
4 requirements of this chapter.

5 2. Application for a pesticide technician's license shall be made in writing to the director
6 on a designated form obtained from the director's office. Each application shall include such
7 information as prescribed by the director by regulation and shall be received by the director
8 within forty-five days of employment of the pesticide technician or pesticide technician trainee.

9 3. The director shall not issue a pesticide technician's license until the individual has
10 demonstrated his **or her** competence by completion of an approved training program to the
11 satisfaction of the director.

12 4. The director may renew any pesticide technician's license under the classification for
13 which that applicant is licensed subject to completion of an additional approved training program
14 to the satisfaction of the director as prescribed by regulation.

15 5. The director shall collect a fee of [~~twenty-five~~] **thirty-five** dollars for each pesticide
16 technician license issued.

17 6. If the director finds the applicant qualified to use pesticides in the classification for
18 which application has been made, the director shall issue a pesticide technician's license limited
19 to the classifications for which he **or she** is qualified, which shall expire one year from date of
20 issuance unless it has been revoked or suspended prior thereto by the director for cause. The
21 director may limit the license of the applicant to the use of certain pesticides, or to certain areas,
22 or to certain types of equipment if the applicant is only so qualified. If a license is not issued as
23 applied for, the director shall inform the applicant in writing of the reasons for such denial of
24 license.

281.050. 1. No individual shall act in the capacity of a pesticide dealer or shall engage
2 in the business of, advertise as, or assume to act as a pesticide dealer unless he **or she** has
3 obtained a license from the director which shall expire one year from date of issuance. An
4 individual shall be required to obtain a license for each location or outlet from which such
5 pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to
6 the end user. Pesticide dealers may be designated by the director as agents of the state for the
7 purpose of issuing permits for restricted use pesticides to private applicators.

8 2. Application for a pesticide dealer's license shall be made on a designated form
9 obtained from the director's office. The director shall collect a fee of [~~twenty-five~~] **thirty-five**
10 dollars for the issuance of each license. The provisions of this section shall not apply to a
11 pesticide applicator who sells pesticides only as an integral part of his **or her** pesticide
12 application service when such pesticides are dispensed only through apparatuses used for such
13 pesticide applications. The provisions of this section shall not apply to any federal, state, or
14 county agency which provides pesticides for its own programs.

15 3. Each applicant shall satisfy the director as to his **or her** knowledge of the laws and
16 regulations governing the use and sale of pesticides and his **or her** responsibility in carrying on
17 the business of a pesticide dealer. Each licensed pesticide dealer shall be responsible for insuring
18 that all of his **or her** employees and agents who sell or recommend restricted use pesticides have
19 adequate knowledge of the laws and regulations governing the use and sale of such restricted use
20 pesticides.

21 4. Each pesticide dealer shall be responsible for the acts of each person employed by
22 him **or her** in the solicitation and sale of pesticides and all claims and recommendations for use
23 of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a
24 hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by
25 the dealer's officer, agent or employee.

26 5. No pesticide dealer shall sell, give away or otherwise make available any restricted
27 use pesticides to anyone but certified applicators or operators, or to private applicators who have
28 met the requirements of subsection 5 of section 281.040, or to other pesticide dealers, except that
29 pesticide dealers may allow the designated representative of such certified applicators, operators
30 or private applicators to take possession of restricted use pesticides when those restricted use
31 pesticides are purchased by and for use by or under the direct supervision of such certified
32 applicator, operator or private applicator.

33 6. The director shall require the pesticide dealer, or his **or her** employer, to maintain
34 books and records with respect to sales of restricted use pesticides. Such relevant information
35 as the director may deem necessary may be specified by regulation. Such records shall be kept
36 for a period of three years from the date of sale of the restricted use pesticide to which such

37 records refer, and the director shall upon request in writing be furnished with a copy of such
38 records by any licensed pesticide dealer or his **or her** employer.

39 7. Every licensed pesticide dealer who changes his **or her** address or place of business
40 shall immediately notify the director.

281.260. 1. Every pesticide which is distributed, sold, offered for sale or held for sale
2 within this state, or which is delivered for transportation or transported in intrastate commerce
3 or between points within this state through any point outside of this state, shall be registered in
4 the office of the director, and the registration shall be renewed annually.

5 2. The registrant shall file with the director a statement including:

6 (1) The name and address of the registrant and the name and address of the person whose
7 name will appear on the label, if other than the registrant;

8 (2) The name of the pesticide;

9 (3) Classification of the pesticide; and

10 (4) A complete copy of the labeling accompanying the pesticide and a statement of all
11 claims to be made for it, including directions for use.

12 3. The registrant shall pay an annual fee of ~~[one]~~ **two** hundred ~~[fifty]~~ dollars for each
13 product registered in any calendar year or part thereof. The fee shall be deposited in the state
14 treasury to the credit of the agriculture protection fund created in section 261.200 to be used
15 solely to administer the pest and pesticide programs of the department of agriculture. **The**
16 **director may deposit up to seven percent of the fee in the pesticide education fund under**
17 **section 281.265.** If the funding exceeds the reasonable costs to administer the programs as set
18 forth herein, the department of agriculture shall reduce fees for all registrants if the fees derived
19 exceed the reasonable cost of administering the pest and pesticide programs of the department
20 of agriculture. All such registrations shall expire on December thirty-first of any one year, unless
21 sooner cancelled. A registration for a special local need pursuant to subsection 6 of this section,
22 which is disapproved by the federal government, shall expire on the effective date of the
23 disapproval.

24 4. Any registration approved by the director and in effect on the thirty-first day of
25 December for which a renewal application has been made and the proper fee paid shall continue
26 in full force and effect until such time as the director notifies the applicant that the registration
27 has been renewed, or otherwise denied, in accord with the provisions of subsection ~~[8]~~ **9** of this
28 section. Forms for reregistration shall be mailed to registrants at least ninety days prior to the
29 expiration date.

30 5. If the renewal of a pesticide registration is not filed prior to January first of any one
31 year, an additional fee of fifty dollars shall be assessed and added to the original fee and shall be
32 paid by the applicant before the registration renewal for that pesticide shall be issued; provided,

33 that, such additional fee shall not apply if the applicant furnishes an affidavit certifying that he
34 **or she** did not distribute such unregistered pesticide during the period of nonregistration. The
35 payment of such additional fee is not a bar to any prosecution for doing business without proper
36 registry. The fee shall be credited to the agriculture protection fund created under section
37 261.200 to be used solely to administer the pest and pesticide programs of the department of
38 agriculture. If the funding exceeds the reasonable cost to administer the programs as set forth
39 herein, the department of agriculture shall reduce fees for all registrants if the fees derived
40 exceed the reasonable cost of administering the pest and pesticide programs of the department
41 of agriculture.

42 6. Provided the state complies with requirements of the federal government to register
43 pesticides to meet special local needs, the director shall require that registrants comply with
44 sections 281.210 to 281.310 and pertinent federal laws and regulations. Where two or more
45 pesticides meet the requirements of this subsection, one shall not be registered in preference to
46 the other.

47 7. The director may require the submission of the complete formula of any pesticide to
48 approve or deny product registration. If it appears to the director that the composition and
49 efficacy of the pesticide is such as to warrant the proposed claims for it and if the pesticide and
50 its labeling and other material required to be submitted comply with the requirements of sections
51 281.210 to 281.310, he **or she** shall register the pesticide.

52 8. Provided the state is authorized to issue experimental use permits, the director may:

53 (1) Issue an experimental use permit to any person applying for an experimental use
54 permit if he **or she** determines that the applicant needs such permit in order to accumulate
55 information necessary to register a pesticide under sections 281.210 to 281.310. An application
56 for an experimental use permit may be filed at the time of or before or after an application for
57 registration is filed;

58 (2) Prescribe terms, conditions, and period of time for the experimental permit which
59 shall be under the supervision of the director;

60 (3) Revoke any experimental permit, at any time, if he **or she** finds that its terms or
61 conditions are being violated, or that its terms and conditions are inadequate to avoid
62 unreasonable adverse effects on the environment.

63 9. If it does not appear to the director that the pesticide is such as to warrant the proposed
64 claims for it or if the pesticide and its labeling and other material required to be submitted do not
65 comply with the provisions of sections 281.210 to 281.310 or with federal laws, he **or she** shall
66 notify the registrant of the manner in which the pesticide, labeling, or other material required to
67 be submitted fail to comply with sections 281.210 to 281.310 or with federal laws so as to afford
68 the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice,

69 the registrant insists that such corrections are not necessary and requests in writing that the
70 pesticide be registered or, in the case of a pesticide that is already registered, that it not be
71 cancelled, the director, within ninety days, shall hold a public hearing to determine if the
72 pesticide in question should be registered or cancelled. If, after such hearing, it is determined
73 that the pesticide should not be registered or that its registration should be cancelled, the director
74 may refuse registration or cancel an existing registration until the required label changes are
75 accomplished. If the pesticide is shown to be in compliance with sections 281.210 to 281.310
76 and federal laws, the pesticide will be registered. Any appeals resulting from administrative
77 decisions by the director will be taken in accordance with sections 536.100 to 536.140.

78 10. Notwithstanding any other provision of sections 281.210 to 281.310, registration is
79 not required in the case of a pesticide shipped from one plant or warehouse within this state to
80 another plant or warehouse within this state when such plants are operated by the same persons.

81 11. The director shall not make any lack of essentiality a criterion for denying
82 registration of a pesticide except where none of the labeled uses are present in the state. Where
83 two or more pesticides meet the requirements of sections 281.210 to 281.310, one shall not be
84 registered in preference to the other.

85 12. Notwithstanding any other provision of law to the contrary, the director may allow
86 a reasonable period of time for the retailer to dispose of existing stocks of pesticides after the
87 manufacturer or distributor has ceased to register the product with the state. The method of
88 disposal shall be determined by the director.

**281.265. There is hereby created in the state treasury the "Pesticide Education
2 Fund", which shall consist of any moneys or fees appropriated to the fund as well as a
3 portion of any fees collected by the department of agriculture under section 281.260 and
4 deposited by the director that are not otherwise placed in the state treasury to the credit
5 of the agriculture protection fund under section 261.200. The state treasurer shall be
6 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer
7 may approve disbursements. The fund shall be a dedicated fund and, upon appropriation,
8 moneys in the fund shall be used solely to provide funding for pesticide applicator
9 certification programs, pesticide education programs, and pesticide waste and container
10 disposal programs. Notwithstanding the provisions of section 33.080 to the contrary, any
11 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
12 the general revenue fund. The state treasurer shall invest moneys in the fund in the same
13 manner as other funds are invested. Any interest and moneys earned on such investments
14 shall be credited to the fund.**

~~2 [195.755. A grower may retain seed from each industrial hemp crop to
3 ensure a sufficient supply of seed for that grower for the following year. A
grower shall not be required to obtain an agricultural hemp seed production~~

4 permit in order to retain seed for future planting. Any seed retained by a grower
 5 for future planting shall not be sold or transferred and does not have to meet
 6 agricultural hemp seed standards established by the department.
 7

2 ~~[195.770.—1.—The Missouri Crop Improvement Association, in~~
 3 ~~collaboration with the department, may establish and administer a certification~~
 4 ~~program for agricultural hemp seed in this state. Participation in the certification~~
 5 ~~program shall be voluntary for growers and cultivators of industrial hemp.~~

6 ~~2. The Missouri Crop Improvement Association, in collaboration with~~
 7 ~~the department, may develop a Missouri heritage seed for industrial hemp. In~~
 8 ~~developing a Missouri heritage seed, the department may:~~

- 9 ~~(1) Breed, plant, grow, cultivate, and harvest the plant cannabis; and~~
- 10 ~~(2) Collect seeds from wild cannabis plants.]~~

2 ~~[280.005. Sections 280.005 to 280.140 shall be known as the "Missouri~~
 3 ~~Treated Timber Law".]~~

2 ~~[280.010. As used in this chapter the following terms mean:~~

3 ~~(1) "Brand", an identification mark assigned to a treated timber producer,~~
 4 ~~used to mark treated timber products after treatment;~~

5 ~~(2) "Director", the director of the state department of agriculture;~~

6 ~~(3) "Preservative" includes such chemicals or combination thereof that~~
 7 ~~will protect wood or wood products against deterioration or destruction from any~~
 8 ~~one or combination of the following: insects, fungi, bacteria, or other~~
 9 ~~wood-destroying organisms;~~

10 ~~(4) "Retention of preservatives", the amount of preservative in pounds~~
 11 ~~per cubic foot or metric equivalent retained in wood after preservative treatment;~~

12 ~~(5) "Stop-sale", an administrative order provided by law, restraining the~~
 13 ~~sale, disposition, and movement of a definite amount of treated timber, of a~~
 14 ~~specific piece, bundle, charge or shipment if the treated timber is distinguished~~
 15 ~~by piece, bundle, charge or shipment;~~

16 ~~(6) "Treated timber", wood or wood products treated by the impregnation~~
 17 ~~or application of chemical solutions or chemical mixtures for the purpose of~~
 18 ~~retarding or preventing deterioration or destruction by insects, fungi, bacteria, or~~
 19 ~~other wood-destroying organisms;~~

20 ~~(7) "Treated timber dealer", any retail or wholesale place of business~~
 21 ~~other than treated timber producers that sells or offers for sale treated timber~~
 22 ~~products;~~

23 ~~(8) "Treated timber producer", any person, firm or corporation who~~
 24 ~~engages in the business of treating timber products with preservatives.]~~

2 ~~[280.020. It shall be unlawful for any treated timber producer to sell or~~
 3 ~~offer for sale within the state of Missouri any treated timber unless such treated~~

3 timber meets the standards for such products as established by the director under
4 the provisions of this chapter.]

5

2 [280.030. Every treated timber producer shall annually secure a license
3 from the director before such treated timber may be sold or offered for sale in the
4 state of Missouri. The fee for such treated timber producer license shall be two
5 hundred dollars annually. This annual license fee shall also allow the sale of
6 treated timber without the additional purchase of the treated timber dealer license
7 required by section 280.035.]

7

2 [280.035. Every treated timber dealer who engages in the business of
3 selling treated timber shall annually secure a license from the director for each
4 location or place of business where such sales occur before such treated timber
5 may be sold or offered for sale in the state of Missouri by such treated timber
6 dealer. The fee for a treated timber dealer license shall be fifteen dollars.]

6

2 [280.037. Every treated timber dealer before selling or offering for sale
3 treated timber in the state of Missouri shall file a license application provided by
4 the department of agriculture and shall give the following information:

4 ————— (1) Company name, address, and telephone number; and

5 ————— (2) The type of treated timber to be sold.]

6

2 [280.038. 1. No license is transferable. All persons holding a Missouri
3 treated timber license shall post the license in a conspicuous place in the place of
4 business to which it applies. The licensing year shall be twelve months, or any
5 fraction thereof beginning on July first and ending June thirtieth. Fees collected
6 under sections 280.030 and 280.035 shall constitute a fund for the payment of
7 costs of inspection, sampling, and analysis and other expenses necessary for the
8 administration of sections 280.005 to 280.145 and shall be deposited in the state
9 treasury and credited to the general revenue fund.

9 ————— 2. If the application for renewal of any treated timber license is not filed
10 prior to expiration date in any year, a penalty of fifty percent shall be assessed
11 and added to the original fee and shall be paid by the applicant before that
12 renewal license shall be issued.]

13

2 [280.040. Whenever the director has knowledge that a licensee licensed
3 under the provisions of this chapter has violated the provisions of this chapter,
4 in order to protect the interest of the public, the director, after hearing, may
5 suspend or revoke his license. The licensee shall be notified in writing of the
6 violation, date and place of the hearing of suspension or revocation of his
7 license.]

7

2 ~~[280.050. The director may promulgate rules to establish specifications~~
3 ~~for wood preservation and treating practices; to prescribe the minimum net~~
4 ~~retention of preservative per cubic foot or metric equivalent of wood in treating~~
5 ~~timber products; to establish branding requirements for treated timber; and to set~~
6 ~~requirements for preservative and product use information to be supplied to~~
7 ~~purchasers. No rule or portion of a rule promulgated under the authority of this~~
8 ~~chapter shall become effective unless it has been promulgated pursuant to the~~
9 ~~provisions of section 536.024.]~~

2 ~~[280.060. Every treated timber producer chemically treating timber for~~
3 ~~sale or offer for sale in Missouri, whether in state or out of state, shall, before~~
4 ~~selling or offering for sale, file with the director a statement giving the following~~
5 ~~information:~~

- 6 ~~_____ (1) The type of treatment used in processing the treated timber;~~
7 ~~_____ (2) The guaranteed net retention of preservative per cubic foot or metric~~
8 ~~equivalent of treated timber.]~~

2 ~~[280.070. Treated timber products shall be clearly branded before being~~
3 ~~sold or offered for sale within the state of Missouri as determined by rule. Each~~
4 ~~brand so used must be registered with the director.]~~

2 ~~[280.080. All treated timber being sold or offered for sale within the state~~
3 ~~shall be accompanied by an invoice which shall carry the following information~~
4 ~~in addition to the price, terms of sale and other information required by the~~
5 ~~purchaser:~~

- 6 ~~_____ (1) The type of preservative used in processing treated timber;~~
7 ~~_____ (2) The guaranteed net retention of preservative per cubic foot or metric~~
8 ~~equivalent of treated wood; and~~
9 ~~_____ (3) Other information determined necessary and prescribed by the~~
10 ~~director by rule.]~~

2 ~~[280.090. For the purpose of carrying out the provisions and~~
3 ~~requirements of this chapter and the rules made and notices given pursuant~~
4 ~~thereto, the director or his authorized agents, inspectors or employees may enter~~
5 ~~into or upon any premises during reasonable business hours and open any~~
6 ~~package or container containing or believed to contain treated timber and to take~~
7 ~~reasonable samples for testing purposes of preservatives used or treated products~~
8 ~~being sold or offered for sale. If the director or his authorized agent is denied~~
9 ~~access to any premises, where such access was sought for the purposes set forth~~
10 ~~in this chapter, the director or his authorized agent may apply to a court of~~
11 ~~competent jurisdiction for a search warrant authorizing access to the premises.~~
12 ~~The court may issue a search warrant for the purposes requested upon probable~~
~~cause being shown.]~~

~~[280.095. 1. The director or his authorized agent is authorized to issue and enforce written or printed "stop sale" orders to the owner or custodian of any treated timber and to hold those timber products at a designated place when the director or his authorized agent finds treated timber being offered for sale in violation of any provision of this chapter or rules promulgated pursuant thereto.~~

~~2. The owner or custodian of the treated timber subject to the "stop sale" order may require, and upon request shall be granted, a hearing in the circuit court of the city or county in which the products are located to determine whether probable cause exists that the statutes or regulations have been violated. The hearing shall be granted within three working days of the day of receipt by the court of the request for a hearing. The director or his agent shall, at the time of the seizure, notify in writing the custodian of the seized treated timber of the right to a hearing. If the custodian is not the owner of the treated timber, the director or his agent shall make reasonable efforts to notify the person holding title to the property, as owner, of the seizure and of his right to a hearing.~~

~~3. The "stop sale" order shall be effective until the law has been complied with and the treated timber has been released, in writing, by the director, or the violations have been otherwise legally disposed of by written authority. When the requirements of this chapter and rules promulgated hereto have been complied with, the director shall release the treated timber. If compliance is not obtained within thirty days, the director may begin, or upon request of the owner or custodian shall begin, proceedings for condemnation.]~~

~~[280.100. Any treated timber being sold or offered for sale in Missouri in violation of the provisions of this chapter may be proceeded against in any circuit court in any county of the state where it may be found and seized for condemnation, provided the offending person, firm or corporation has had official warning from the director of the department of agriculture or his authorized agent of this or previous violation.]~~

~~[280.110. 1. If any treated timber is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court may direct, and the proceeds, if the treated timber is sold, less legal costs and administrative costs and civil penalty, shall be paid to the person holding title to the treated timber; provided that the treated timber shall not be sold contrary to the provisions of sections 280.005 to 280.140; and provided, further, that upon payment of costs and execution and delivery of a good and sufficient bond, conditioned that the treated timber shall not be disposed of unlawfully, the court may direct that said treated timber be delivered to the owner or custodian thereof for retreating or disposal, as the case may be.~~

~~2. If the court orders a condemnation sale to dispose of the treated timber, ten percent of the proceeds or ten thousand dollars, whichever is less, shall be paid to the general revenue fund as a civil penalty.]~~

~~[280.120. Exceptions:~~

2 ~~————— (1) No part of this chapter shall be construed as affecting farmers or other~~
3 ~~persons treating timber or timber products for home or personal use;~~

4 ~~————— (2) No part of this chapter shall be construed to prohibit any~~
5 ~~manufacturer of treated timber products from employing preservative standards~~
6 ~~and methods prescribed by federal or state agencies, departments or political~~
7 ~~subdivisions, railroads, mines, and public utilities in the manufacturing, sale and~~
8 ~~delivery in this state of their orders of treated timber products, except that the~~
9 ~~manufacturer must show proof of contract when requested to do so by the~~
10 ~~director;~~

11 ~~————— (3) No part of this chapter shall be construed to include within the~~
12 ~~definition of treated timber dealer federal or state agencies, departments or~~
13 ~~political subdivisions, railroads, mines, public and municipal utilities and~~
14 ~~corporations organized under chapter 394 which engage in the sale of surplus~~
15 ~~treated timber products produced under preservative standards and methods as~~
16 ~~described in subdivision (2) of this section;~~

17 ~~————— (4) No particular method or methods of treatment shall be prescribed.]~~
18

~~[280.130. Any person, firm or corporation who violates any provision or~~
2 ~~requirement of this chapter is guilty of a class B misdemeanor and upon~~
3 ~~conviction thereof shall be punished by a fine of not more than five hundred~~
4 ~~dollars, or by imprisonment for not more than six months, or by both such fine~~
5 ~~and imprisonment.]~~
6

~~[280.140. The director is authorized to apply to the court to grant a~~
2 ~~temporary or permanent injunction restraining any person from violating or~~
3 ~~continuing to violate any of the provisions of sections 280.005 to 280.140 or any~~
4 ~~rule promulgated under sections 280.005 to 280.140, notwithstanding the~~
5 ~~existence of other remedies at law.]~~
6

Section B. Because immediate action is necessary to ensure the vitality of the agricultural
2 industry in the state by allowing for the research into the effectiveness of the multiple varieties
3 of industrial hemp, the repeal and reenactment of section 195.767 of section A of this act is
4 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
5 and is hereby declared to be an emergency act within the meaning of the constitution, and the
6 repeal and reenactment of section 195.767 of section A of this act shall be in full force and effect
7 upon its passage and approval.

✓